

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RILEY NICOLE SHADLE,

Plaintiff,

vs.

SCOTT FRAKES, RANDY KOHL, FRED BRITTON, DIANA SABATKA-RINE, KARI PAULSEN, LT. SULLY, RICKY WRAY, CORPERAL MCINTOSH, JANICE RIHN, JONATHAN LOCUS, CORPERAL JIMINEZ, ALL MALE EMPLOYEES OF LCC, and S. FREDENBERG,

Defendants.

8:16CV546

ORDER

Plaintiff Riley Nicole Shadle filed the following pro se motions:

- for additional time to submit the initial filing fee payments in the above-captioned case and in 8:16cv524, (Filing No. 14);
- to supplement the complaint to state that all defendants are sued in both their individual and official capacities, and to attach kites and letters, (Filing Nos. 17 & 22);
- to permit Shadle to directly make filing fee payments rather than have those payments forwarded by the penal institution, (Filing No. 21); and
- for an update on the status of the case, (Filing No. 22).

The court received Plaintiff's initial filing fee on January 13, 2017. Therefore, Shadle's motion for additional time to make that payment, (Filing No. 14), is moot.

The court's memorandum and order denying Plaintiff's motion for a temporary restraining order and its order on initial review were filed April 7, 2017. As such, Shadle's motion for an update on the status of this case, (Filing No. 22), will be denied as moot.

Although Shadle moves for leave to forward future filing fee payments directly rather than through the penal institution, (Filing No. 21), "[t]he agency having custody of

the prisoner shall forward payments from the prisoner's account to the clerk of the court. . . ." 28 U.S.C.A. § 1915 (b)(2). Shadle has failed to adequately explain why the court should deviate from this clear statutory language by permitting Shadle to personally send the filing fee payments to the court.

Plaintiff's motions to supplement the complaint by adding attachments and alleging all Defendants are sued in both their individual and official capacity, (Filing Nos. 17 & 22), will be granted.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's motion for additional time to submit the initial filing fee payment, (Filing No. 14), is denied as moot.
- 2) Plaintiff's motion to permit Shadle to directly make filing fee payments, (Filing No. 21), is denied.
- 3) Plaintiff's motion to amend the complaint to add attachments and allege that all defendants are sued in both their individual and official capacities, (Filing No. 17), is granted.
- 4) Plaintiff's motion, (Filing No. 22), is granted in part and denied in part: To the extent it requests that attachments be added to the complaint, the motion is granted, but that portion of the motion which requests a status update is denied as moot.
- 5) The plaintiff's operative complaint consists of filing 1, as supplemented by filings 17 and 22.

April 17, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge